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09/899,956	07/06/2001	Joseph Marx	12177/50601	4380

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ART UNIT	PAPER NUMBER
2645	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/899,956	MARX ET AL.
	Examiner	Art Unit	
	Gerald Gauthier	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *12/10/2003* .

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1 and 3-40* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1 and 3-40* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

     If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

     a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)	4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

3.   **Claims 1 and 3-40** are rejected under 35 U.S.C. 103(a) as being unpatentable

over Fuller et al. (US 5,752,191) in view of Zahavi et al. (US 5,309,512).

Regarding **claim 1**, Fuller discloses a telephone control system which connects a caller with a subscriber (column 1, lines 25-29), (which reads on claimed "a method for providing a personal audio alert message to a calling party during a call connection"), the method comprising:

querying a PAAM database (column 9, line 27 "internal database") in response to a call origination (column 9, line 23 "delivers the call") by the calling party (column 9, line 17 "a caller"), (column 9, lines 17-39) [The intelligent telephone control system refers to its database to determine how to handle the call];

receiving one or more PAAM strings (column 9, line 53 "a brief greeting") from the database in response to the query (column 9, lines 40-63) [The access control plays a brief greeting to the caller];

returning a first PAAM string (column 9, line 53 "a brief greeting"), from the one or more PAAM strings, identifying the called party (column 9, line 54 "access line for Mr. Jones") to the calling party (column 9, lines 52-55) [The access control plays the prompt to the caller identifying the called party access line];

routing the call to the called party (column 9, lines 56-63) [The intelligent telephone control system dials the phone number to route the call]; and

connecting the call if the called party accepts the call (column 12, lines 32-36) [The intelligent telephone control system instructs the switch to connect the call].

Fuller fails to disclose personal messages to be delivered to the called party and the calling party.

However, Zahavi teaches wherein the database stores personal messages to be delivered to the called party (column 6, lines 1-19) and the calling party (column 4, lines 26-38); and

returning a second PAAM string (column 6, line 6 "Hello") and a third PAAM string (column 6, line 6 "This is Mr. Smith calling"), from the one or more PAAM strings from the database, to the called party in the routed call, wherein the second PAAM string is a salutation to the called party and a third PAAM string identifies the calling party to the called party (column 6, lines 1-19) [The system transmits to the called party an introduction message and this message is a personal message recorded by the user and inherently stored in a database for personal messages].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the personal messages to be delivered to the called party and the calling party of Zahavi in the database of the intelligent telephone control system of Fuller.

The modification of the invention would offer the capability of the personal messages to be delivered to the called party and the calling party such as the system would allow a cellular telephone user to communicate with a caller when the user is enable to speak.

Regarding **claims 3 and 19**, Fuller discloses presenting the first PAAM string to the calling party while the call is being routed to the called party (column 9, lines 52-63).

Regarding **claims 4 and 20**, Fuller discloses presenting the second PAAM string

and the third PAAM string to the called party before the called party answers the call

(column 12, lines 22-36).

Regarding **claims 5, 14, 21 and 30**, Fuller discloses receiving a return called

party response indicating the disposition of the call (column 12, lines 32-36);

returning a fourth PAAM string based on the return called party response to the

calling party, the fourth PAAM string indicating call status (column 12, lines 29-32); and

processing the call based on the return called party response (column 12, lines

33-36).

Regarding **claims 6, 13 and 31**, Fuller discloses wherein the called party

response relates to at least one of accepting the call, rejecting the call, forwarding the

call, placing the call on hold and connecting to voice-mail (column 12, lines 22-36).

Regarding **claims 7, 15 and 22**, Fuller discloses determining whether the calling

party is a PAAM service subscriber (column 11, lines 44-48); and

if the calling party is determined to be a PAAM service subscriber, then based on

the calling party number, retrieving the first PAAM string from the PAAM database

(column 11, lines 55-59).

Regarding **claims 8, 16 and 23**, Fuller discloses determining whether the called

party is a PAAM service subscriber (column 11, lines 44-48); and

if the called party is determined to be a PAAM service subscriber, then based on

a called party identifier, retrieving the second and third PAAM strings from the database

(column 12, lines 22-36).

Regarding **claim 9**, Fuller discloses the second PAAM string is retrieved from at

least one of a calling party's record and a called party's record that are stored in the

PAAM database (column 12, lines 22-36).

Regarding **claim 10**, Fuller discloses wherein the third PAAM string is retrieved

from at least one of a calling party's record and a called party's record that are stored in

the PAAM database (column 12, lines 22-36).

Regarding **claims 11, 17 and 24**, Fuller discloses retrieving the first PAAM string

from a called party's record, wherein the first PAAM string defines a rule set for handling

the call from the calling party identified in the called party's record (column 11, lines 44-

48); and

processing the call in accordance with the rule set defined by the first PAAM

string from the called party's record (column 11, lines 55-64).

Regarding **claim 12**, Fuller discloses a telephone control system for connecting a

caller with a subscriber (column 1, lines 25-29), (which reads on claimed "a network

apparatus for providing a personal audio alert message to a calling party during a call"),

the method comprising:

a switch (1 on FIG. 1) to receive the call from the calling party (column 9, lines

21-24) [The PSTN delivers the call to the intelligent control system]; and

a memory (column 9, line 27 "internal database") for storing one or more PAAM

strings (column 9, line 53 "brief greeting"), wherein responsive to the call from the

calling party, the switch queries the memory for the one or more PAAM strings (column

9, line 51 "announced forwarding mode"), returns a first PAAM string (column 9, line 53

"brief greeting") identifying the called party to the calling party, and connects the call if

the called party answers the call (column 12, lines 22-36) [The intelligent telephone

control system determines how to handle the call ask the receptionist for the called

party and instructs the switch to connect the call].

Fuller fails to disclose personal messages to be delivered to the called party and

the calling party.

However, Zahavi teaches personal messages to be delivered to the called party

(column 6, lines 1-19) and the calling party (column 4, lines 26-38); and

returns a second PAAM string to the called party that represents a salutation to

the called party (column 6, line 6 "Hello"), returns a third PAAM string to the called party

that identifies the calling party to the called party (column 6, lines 1-19) [The system

transmits to the called party an introduction message and this message is a personal

message recorded by the user and inherently stored in a database for personal

messages].

It would have been obvious to one of the ordinary skill in the art at the time the

invention was made to use the personal messages to be delivered to the called party

and the calling party of Zahavi in the database of the intelligent telephone control

system of Fuller.

The modification of the invention would offer the capability of the personal

messages to be delivered to the called party and the calling party such as the system

would allow a cellular telephone user to communicate with a caller when the user is

enable to speak.

Regarding **claim 18**, Fuller discloses a telephone control system for connecting a

caller with a subscriber (column 1, lines 25-29), (which reads on claimed "a machine-

readable medium (column 68, line 43 "computer") having stored thereon a plurality of

executable instructions"), the plurality of instructions comprising instructions to:

query a personal audio alert message database (column 9, line 27 "internal

database") in response to a call (column 9, line 23 "the call") by the calling party

(column 9, line 17 "a caller"), (column 9, lines 17-39) [The intelligent telephone control

system refers to its database to determine how to handle the call];

receive one or more PAAM strings (column 9, line 53 "a brief greeting") from the

database in response to the query (column 9, lines 40-63) [The access control plays a

brief greeting to the caller];

return a first PAAM string (column 9, line 53 "a brief greeting"), from the one or more PAAM strings, identifying a called party (column 9, line 54 "access line for Mr. Jones") to the calling party (column 9, lines 52-55) [The access control plays the prompt to the caller identifying the called party access line];

route the call to the called party (column 9, lines 56-63) [The intelligent telephone control system dials the phone number to route the call]; and

connect the call if the called party answers the call (column 12, lines 32-36) [The intelligent telephone control system instructs the switch to connect the call].

Fuller fails to disclose personal messages to be delivered to the called party and the calling party.

However, Zahavi teaches personal messages to be delivered to the called party (column 6, lines 1-19) and the calling party (column 4, lines 26-38); and

return a second PRAM string and a third PRAM string, from the one or more PRAM strings, to the called party in the routed call, wherein the second PAAM string is a salutation (column 6, line 6 "Hello") to the called party and a third PAAM string identifies the calling party to the called party (column 6, lines 1-19) [The system transmits to the called party an introduction message and this message is a personal message recorded by the user and inherently stored in a database for personal messages].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the personal messages to be delivered to the called party

and the calling party of Zahavi in the database of the intelligent telephone control

system of Fuller.

The modification of the invention would offer the capability of the personal

messages to be delivered to the called party and the calling party such as the system

would allow a cellular telephone user to communicate with a caller when the user is

enable to speak.

Regarding **claim 25**, Fuller discloses a telephone control method for connecting

a caller with a subscriber (column 1, lines 25-29), (which reads on claimed "a method

for presenting personal audio alert messages to a calling party during a call"), the

method comprising:

originating the call (column 9, line 23 "the call") to the called party (column 9, line

22 "the subscriber") by the calling party (column 9, lines 19-23) [The caller dials the

access number for the subscriber];

determining whether a personal audio alert message service (column 9, line 51

"announcing forwarding mode") is enabled (column 9, lines 48-52) [The intelligent

telephone control system determines the call is to be handle via announcing forwarding

mode];

searching a local calling party PAAM database (column 9, line 27 "internal

database") for a called party number (column 9, line 46 "access number") if the PAAM

service is enabled (column 9, lines 19-23) [The intelligent telephone control system

refers to it's internal database to handle the call];

if the called party number is found in the local calling party database, retrieving a

personalized first PAAM string (column 9, line 53 "a brief greeting") associated with the

called party number from the local calling party PAAM database, the personalized first

PAAM string including a personalized message (column 9, line 53 "a brief greeting")

relating to the identity of the called party (column 9, lines 52-55) [The access control

plays the prompt to the caller identifying the called party access line];

presenting the calling party with the personalized first PAAM string while the call

is being routed to the called party (column 9, lines 56-63) [The intelligent telephone

control system dials the phone number to route the call]; and

if the called party number is not found in the local calling party database,

presenting the calling party with a generic first PAAM string, the generic first PAAM

string including a generic message relating to the identity of the called party (column 29,

lines 13-22) [The standard greeting is used when the subscriber does not have a

personalize greeting for this particular caller].

Fuller fails to disclose the personalized first PAAM string is stored in the local

calling party PAAM database and the personal messages to be delivered to the called

party and the calling party.

However, Zahavi teaches the personalized first PAAM string is stored in the local

calling party PAAM database by the calling party (column 4, lines 9-25); and

the audio alert message to the called party (column 6, lines 1-19) [The system

transmits to the called party an introduction message and this message is a personal

message recorded by the user and inherently stored in a database for personal

messages].

It would have been obvious to one of the ordinary skill in the art at the time the

invention was made to use the personal messages to be delivered to the called party

and the calling party of Zahavi in the database of the intelligent telephone control

system of Fuller.

The modification of the invention would offer the capability of the personal

messages to be delivered to the called party and the calling party such as the system

would allow a cellular telephone user to communicate with a caller when the user is

enable to speak.

Regarding **claim 26**, Fuller discloses wherein the generic first PAAM string is

generated by: retrieving the identity of the called party based on the called party number

using an automatic number identification look-up (column 4, lines 4-13).

Regarding **claim 27**, Fuller discloses if the PAAM service is not enabled, the

local called party PAAM database is not searched and the called party is not presented

with the personalized second and third PAAM strings (column 9, lines 34-39).

Regarding **claim 28**, Fuller discloses connecting the call by the calling party to

the called party (column 9, lines 34-39);

searching a local called party PAAM database for a calling party number if the

PAAM service is enabled (column 9, lines 25-30);

if the calling party number is found in the local called party database, retrieving

personalized second and third PAAM strings associated with the calling party number

from the local called party PAAM database, the personalized second and third PAAM

strings, the personalized second PAAM string including a personalized salutation to the

called party and the personalized third PAAM string including a personalized message

relating to the identity of the calling party (column 12, lines 22-36);

presenting the called party with the personalized second and third PAAM strings

(column 12, lines 22-36); and

if the calling party number is not found in the local called party database,

presenting the called party with a generic second and third PAAM strings, the generic

second PAAM string including a generic salutation to the called party and the generic

third PAAM string including a generic message relating to the identity of the calling party

(column 28, lines 2-16).

Regarding **claim 29**, Fuller discloses connecting the call between the called party

and the calling party after the called party picks up the call (column 12, lines 22-36); and

releasing the PAAM service resources after the call is connected (column 12,

lines 22-36).

Regarding **claim 32**, Fuller discloses a telephone control system for connecting a

caller with a subscriber (column 1, lines 25-29), (which reads on claimed "an apparatus

for providing a personal audio alert service to a calling party during a call connection"),

the apparatus comprising:

a memory (column 9, line 27 "internal database") to store called party information

(column 9, line 53 "brief greeting"), calling party information and associated personal

audio alert message information (column 9, lines 25-34) [The internal database has the

information of how to handle the subscriber call];

a PAAM interface (1 on FIG. 1) to search the memory for a called party number

(column 9, line 46 "access number") and to retrieve a personalized first PAAM string

(column 9, line 53 "brief greeting") from the associated PAAM information if the called

party number is found in the memory (column 9, lines 45-55) [The caller dials the

access number and the access control system verify the number and plays a brief

greeting];

a PAAM module (1 on FIG. 1) to receive the personalized first PAAM string and

to generate a first personalized message (column 9, line 53 "brief greeting") including

the personalized first PAAM string when a call is originated (column 9, line 45 "the caller

dials the number"), the first personalized message including an identifier (column 9, line

54 "Mr. Jones") for the called party (column 9, lines 45-55) [The intelligent telephone

control system receives the greeting from the database identifying the subscriber]; and

an output device (1 on FIG. 1) to output the generated first personalized

message to the calling party while the call is connected (column 9, line 57 "dials the

phone number") and to further output a generic message (column 9, line 53 "brief

greeting") to the calling party including a generic PAAM string (column 29, line 14 "the

standard greeting") including an identifier (column 29, line 12 "the prerecorded name of

the subscriber") relating to the identity of the called party if the called party number is

not found in the memory (column 29, lines 13-22) [The standard greeting is used when

the subscriber does not have a personalize greeting for this particular caller].

Fuller fails to disclose the personalized first PAAM string is stored in the local

calling party PAAM database and the personal messages to be delivered to the called

party and the calling party.

However, Zahavi teaches the personalized first PAAM string is stored in the

memory by the calling party (column 4, lines 9-25); and

the audio alert message to the called party (column 6, lines 1-19) [The system

transmits to the called party an introduction message and this message is a personal

message recorded by the user and inherently stored in a database for personal

messages].

It would have been obvious to one of the ordinary skill in the art at the time the

invention was made to use the personal messages to be delivered to the called party

and the calling party of Zahavi in the database of the intelligent telephone control

system of Fuller.

The modification of the invention would offer the capability of the personal

messages to be delivered to the called party and the calling party such as the system

would allow a cellular telephone user to communicate with a caller when the user is

enable to speak.

Regarding **claim 33**, Fuller discloses if the called party number is not found in the

memory, the PAAM module further generates the generic message including the

generic PAAM string and forwards the generated generic message to the output device

(column 28, lines 2-16).

Regarding **claim 34**, Fuller discloses wherein the PAAM interface searches the

memory for a calling party number and retrieves a personalized second PAAM string

and a personalized third PAAM string from the associated PAAM information if the

calling party number is found when the call is received, and the PAAM module further

receives the personalized second and personalized third PAAM strings and generates a

second personalized message including the personalized second and personalized third

PAAM strings when the call is received, the second personalized message including an

identifier for the calling party (column 9, lines 22-39).

Regarding **claim 35**, Fuller discloses wherein the PAAM module further

generates a salutation to be output to the called party included in the second

personalized message (column 12, lines 22-36).

Regarding **claim 36**, Fuller discloses wherein the output device outputs the generated second personalized message to the called party (column 12, lines 22-36).

Regarding **claim 37**, Fuller discloses wherein the PAAM module further generates a second generic message that includes an identifier for the calling party if the calling party number is not found in the memory and the output device further outputs the second generic message to the called party (column 12, lines 22-36).

Regarding **claim 38**, Fuller discloses wherein the PAAM module further generates a salutation to be output to the called party included in the second generic message (column 12, lines 22-36).

Regarding **claim 39**, Fuller discloses wherein the output device is a display (column 13, lines 10-20).

Regarding **claim 40**, Fuller discloses wherein the output device is a speaker (column 12, lines 22-36).

Response to Arguments

4.   Applicant's arguments with respect to **claims 1 and 3-40** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

6.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-

0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for

the organization where this application or proceeding is assigned are (703) 872-9306 for

regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703) 305-

4800.

g.g.
February 12, 2004